

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915 (949) 644-3200 Fax: (949) 644-3229

www.newportbeachca.gov

CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

August 15, 2013 Agenda Item No. 1

SUBJECT: Via Koron Lot Line Adjustment - (PA2013-119)

116 Via Koron

Lot Line Adjustment No. LA2013-006

APPLICANT: Fuscoe Engineering

PLANNER: Benjamin M. Zdeba, Assistant Planner

(949) 644-3253, bzdeba@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

• **Zone:** R-1 (Single-Unit Residential)

• **General Plan:** RS-D (Single-Unit Residential Detached)

PROJECT SUMMARY

A lot line adjustment application to adjust the underlying legal lot lines on a site that has been historically developed with a single structure. The applicant is requesting to remove the lot line between Lots 650 and 649 and to shift the lot line between Lots 649 and 648 north 7.5 feet to create two 37.5-foot-wide parcels for single-family residential development. The structure on the site crossing the property lines will be demolished prior to map recordation. There will be no change in the number of parcels.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. ZA2013-____ approving Lot Line Adjustment No. LA2013-006 (Attachment No. ZA 1).

DISCUSSION

- The applicant requests to adjust the interior lot line between two contiguous lots located in the R-1 Zoning District (Single-Unit Residential). The subject property and those within the vicinity are developed with single-unit residences.
- The General Plan designates the subject property as Single-Unit Residential Detached (RS-D) which is intended for detached single-family residential dwelling units on a single legal lot and does not include condominiums or cooperative housing.
- The property is improved with a single-family residence that was constructed across two legal lots and a portion of another lot. As conditioned, it will be demolished prior to recordation of the lot line adjustment, if approved.
- The proposed lot line adjustment would remove the interior lot line between Lots 650 and 649 and would shift the northerly lot line of Lot 648 to the north 7.5 feet, thereby creating two 37.5-foot-wide parcels of land for single-unit residential development. The resulting net areas of the proposed Parcels 1 and 2 would be 3,300 square feet. The minor boundary adjustment will have no impact with access to the subject properties from Via Koron and Via Lorca to the rear.
- Typical lots within the surrounding area are 30 feet in width and 88 feet in depth with a resulting area of 2,640 square feet. It should also be noted that lots at the end of each block are wider varying between 35 and 40 feet in width. The proposed lot configuration is compatible with the surrounding area.
- The number of lots will remain unchanged as a result of the boundary adjustment. The site is currently comprised of two legal lots and a portion of another lot. The lot line adjustment, as proposed, will result in two legal lots.

ENVIRONMENTAL REVIEW

The project has been reviewed, and qualifies for a Class 5 (Minor Alterations in Land Use Limitations) categorical exemption pursuant to Title 14 of the California Code of Regulations (Section 15305, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act). The Class 5 exemption consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, including but not limited to minor lot line adjustments not resulting in the creation of any new parcel.

The proposed lot line adjustment is consistent with all of the requirements of the Class 5 exemption.

PUBLIC NOTICE

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days before the scheduled hearing, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

APPEAL PERIOD:

An appeal may be filed with the Director of Community Development within ten (10) days following the date of action. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:

Benjamin M. Zdeba Assistant Planner

GR/bmz

Attachments: ZA 1 Draft Resolution

ZA 2 Vicinity Map

ZA 3 Lot Line Adjustment No. LA2013-006

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2013-____

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING LOT LINE ADJUSTMENT NO. LA2013-006 TO ADJUST THE BOUNDARIES OF PARCELS LOCATED AT 116 VIA KORON (PA2013-119)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by Fuscoe Engineering, with respect to property located at 116 Via Koron, and legally described as Lots 648, 649 and the Southwesterly ½ of Lot 650 of Tract No. 907 in the City of Newport Beach, County of Orange, State of California, as per map recorded in Book 28, Page(s) 25 to 36, inclusive, of Miscellaneous Maps, in the Office of the County Recorder of Orange County, California, requesting approval of a lot line adjustment.
- 2. The applicant proposes to adjust the underlying legal lot lines on a site that has been historically developed with a single structure. The applicant is requesting to remove the lot line between Lots 650 and 649 and to shift the lot line between Lots 649 and 648 north 7.5 feet to create two 37.5-foot-wide parcels for single-family residential development. The structure on the site crossing the property lines will be demolished prior to map recordation. There will be no change in the number of parcels.
- 3. The subject property is located within the Single-Unit Residential (R-1) Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
- 4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (10.0 19.9 DU/AC) (RSD-C).
- 5. A public hearing was held on August 15, 2013 in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

- 1. The project has been reviewed, and qualifies for a Class 5 (Minor Alterations in Land Use Limitations) categorical exemption pursuant to Title 14 of the California Code of Regulations (Section 15305, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act).
- 2. The Class 5 exemption consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in

land use or density, including but not limited to minor lot line adjustments not resulting in the creation of any new parcel. The proposed lot line adjustment will not change the number of existing parcels, will not result in any change in use or density, and is consistent with all of the requirements of the Class 5 exemption.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.76.020 (Procedures for Lot Line Adjustments) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

A. Approval of the lot line adjustment will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot line adjustment is consistent with the legislative intent of this title.

Facts in Support of Finding:

- 1. The proposed lot line adjustment will not change the single-unit residential use of the lots involved, and will maintain consistency with the General Plan Land Use Designation, Single-Unit Residential Detached (RS-D), which is intended for detached single-family residential dwelling units on a single lot.
- 2. The lot line adjustment will not result in a development pattern which is inconsistent with the surrounding neighborhood as the request is to reapportion two and a half legal lots into two separate parcels for future single-unit development which is consistent with the General Plan Land Use Plan and zoning designations.
- 3. The proposed lot line adjustment is consistent with the purpose identified in Chapter 19.76 (Lot Line Adjustments) of the Newport Beach Municipal Code. The lot line adjustment constitutes a minor boundary adjustment involving two full lots where the land taken from one lot is added to the abutting lot and the existing boundary line of the half lot is removed. The original number of lots will remain unchanged after the adjustment.
- 4. The subdivision is consistent with the General Plan, does not affect open space areas in the City, does not negatively impact surrounding land owners in as much as it affects an interior lot line between two adjacent lots, and will not in itself be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood.

5. Public improvements and infrastructure currently exist within the neighborhood and the lot line adjustment, in and of itself, will not result in the need for additional improvements and/or facilities.

Finding:

B. The number of parcels resulting from the lot line adjustment remains the same as before the lot line adjustment.

Facts in Support of Finding:

1. The residence on the subject property was originally constructed across two legal lots and half of another legal lot, Lot 648, 649, and half of 650 of Tract No. 907. The proposed lot line adjustment will remove the interior lot line between Lots 649 and 650 and will adjust the interior lot line between Lots 648 and 649. No additional lots will result from the adjustment and the number remains the same as before the lot line adjustment.

Finding:

C. The lot line adjustment is consistent with applicable zoning regulations except that nothing herein shall prohibit the approval of a lot line adjustment as long as none of the resultant parcels is more nonconforming as to lot width, depth and area than the parcels that existed prior to the lot line adjustment.

Facts in Support of Finding:

- 1. The lot line adjustment will take 1,320 square feet of land from Lot 650 and add to Lot 649. Lot 648 will gain 660 square feet from Lot 649. The resulting net areas of the proposed Parcel 1 and 2, which are both 3,300 square feet, is consistent with the range of lot sizes in the vicinity within Tract No. 907.
- 2. The proposed parcels comply with all applicable zoning regulations, are not more nonconforming as to lot width, depth and area than the parcels that existed prior to the lot line adjustment, and there will be no change in allowed land uses, density, or intensity on the properties.
- 3. Typical lots within the surrounding area are 30 feet in width and 88 feet in depth with a resulting area of 2,640 square feet. Lots at the end of each block are wider varying between 35 and 40 feet in width. The proposed lot configuration is compatible with neighboring lots in the surrounding area.

Finding:

D. Neither the lots as adjusted nor adjoining parcels will be deprived of legal access as a result of the lot line adjustment.

Facts in Support of Finding:

1. Legal access to the subject properties from Via Lorca will not be affected by the lot line adjustment.

Finding:

E. That the final configuration of the parcels involved will not result in the loss of direct vehicular access from an adjacent alley for any of the parcels that are included in the lot line adjustment.

Facts in Support of Finding:

1. The final configuration of the lots involved will not result in the loss of direct vehicular access from any street for any lots included in the lot line adjustment. Vehicular access to the existing residential property is taken from the Via Lorca and the final configuration will not change this.

Finding:

F. That the final configuration of a reoriented lot does not result in any reduction of the street side setbacks as currently exist adjacent to a front yard of any adjacent key, unless such reduction is accomplished through a zone change to establish appropriate street side setbacks for the reoriented lot. The Planning Commission and City Council in approving the zone change application shall determine that the street side setbacks are appropriate, and are consistent and compatible with the surrounding pattern of development and existing adjacent setbacks.

Facts in Support of Finding:

1. The final configuration of the parcels does not result in a requirement for revised setbacks since the lots are not proposed to be reoriented. The setbacks shall continue to apply to the adjusted parcels per the Zoning Code development standards in the same way that they applied to the previous parcel configuration. Therefore, the lot line adjustment does not result in the reduction of any existing setbacks.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

- 1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Line Adjustment No. LA2013-006 (PA2013-119), subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
- 2. This action shall become final and effective ten days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community

Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 15th DAY OF AUGUST, 2013.

BY:

Brenda Wisneski, AICP, Zoning Administrator



EXHIBIT "A"

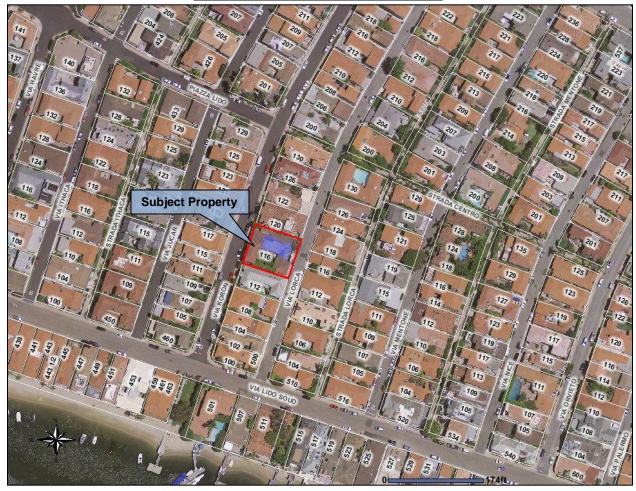
CONDITIONS OF APPROVAL

- 1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
- 2. <u>Prior to the release for recordation</u> of the lot line adjustment, the applicant shall apply for a building permit to remove the existing single-family residence, and all work fulfilling this requirement shall be completed and finaled by the Building Division.
- 3. <u>Prior to issuance of the building permit for the second, new single-family residence,</u> Fair Share Fees consistent with the fee schedule in effect at the time of building permit issuance shall be paid for one dwelling unit.
- 4. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department for construction or demolition. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements.
- 5. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Via Koron Lot Line Adjustment including, but not limited to, Lot Line Adjustment No. LA2013-006 (PA2013-119). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.
- 6. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.

Attachment No. ZA 2

Vicinity Map

VICINITY MAP



Lot Line Adjustment No. LA2013-006 PA2013-119

116 Via Koron

Attachment No. ZA 3

Lot Line Adjustment No. LA2013-006

Recording

Requested by and Mail to: City of Newport Beach Public Works Dept Attn: Subdivision 3300 Newport Boulevard Newport Beach, CA 92663

City of Newport Beach



Lot Line Adjustment/Lot Merger Application

Address(es) or Property Involved:			
Owner(s) Affid	avit		
I (We) hereby certify under penalty of perjury that 1) I a proposed for adjustment by this application, 2) I (We) he this application, 3) the information submitted in connect and 4) I (We) consent to the recordation of these documents.	ave knowledge of and consent to the filing of tion with this application is true and correct.		
RECORD OWNERS:			
Parcel1_	_		
NAME: JAD Capitol Partners/LLC, a California Limited	Liabilty Company		
Signature of parcel owner	Signature of parcel owner		
Parcel 1	_		
NAME: Scott A. Lissoy, Trustee of the Lissoy Family Trust U/D/O 6/17/96			
Signature of parcel owner	Signature of parcel owner		
Parcel 2	_		
NAME: JAD Capitol Partners/LLC, a California Limited Liabilty Company			
Signature of parcel owner	Signature of parcel owner		
Parcel 2	_		
NAME: Scott A. Lissoy, Trustee of the Lissoy Family Tr	ust U/D/O 6/17/96		
Lott a time			
Signature of parcel owner	Signature of parcel owner		
NOTE: Each of these signatures must be notarized, using the appropriate	Jurat attached and completed by a Notary Public.		
Approved for Recording CITY OF NEWPORT BEACH			

City Surveyor:_____

Date:____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT STATE OF California COUNTY OF before me, Notary Public, personally appeared who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal. Signature JEN BUTLETT COMMISSION # 1864312 (Notary Public - California Z ORANGE COUNTY My Comm. Expires Sept. 11, 2013 This area for official notarial seal. OPTIONAL SECTION CAPACITY CLAIMED BY SIGNER Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the documents. INDIVIDUAL CORPORATE OFFICER(S) TITLE(S) PARTNER(S) LIMITED GENERAL ATTORNEY-IN-FACT TRUSTEE(S) GUARDIAN/CONSERVATOR OTHER SIGNER IS REPRESENTING: Name of Person or Entity Name of Person or Entity **OPTIONAL SECTION** Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form. THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW TITLE OR TYPE OF DOCUMENT: DATE OF DOCUMENT NUMBER OF PAGES SIGNER(S) OTHER THAN NAMED ABOVE

CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

	STATE OF CALIFORNIA	A)		
	COUNTY OF ORANGE)		
1	On May 20, 2013, before me, <u>C. A. Morden</u> , Notary Public, personally appeared <u>Scott A. Lissoy</u> , who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.			
	I certify under PENALT foregoing paragraph is t	TY OF PERJURY under the laws of the State of true and correct.	California that the	
	WITNESS my hand and	WITNESS my hand and official seal.		
	Signature	1- Minden	C. A. MORDEN Commission # 1961409 Notary Public - California Orange County y Comm. Expires Nov 27, 2015	
			(Seal)	
	ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to another document.			
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	it could be considered by the could be considere	ald prevent fraudulent attachment of this certificate to another document. ED DOCUMENT: City of Newport Beach Lot Line Adjustment/Lot Merger Applicati	on re Existing Parcel AP	
	Title or Type of Document: One Attaching No. 423-201-04	ED DOCUMENT: City of Newport Beach Lot Line Adjustment/Lot Merger Applicati	on re Existing Parcel AP	
	DESCRIPTION OF ATTACHI Title or Type of Document: C No. 423-201-04 Date of Document: TBD N Signer(s) other than named a	Id prevent fraudulent attachment of this certificate to another document. IED DOCUMENT: City of Newport Beach Lot Line Adjustment/Lot Merger Application Sumber of Pages 4 + 2 Notary Acknowledgments	on re Existing Parcel AP	
ſ	Title or Type of Document: One Attaching No. 423-201-04	Id prevent fraudulent attachment of this certificate to another document. IED DOCUMENT: City of Newport Beach Lot Line Adjustment/Lot Merger Application Sumber of Pages 4 + 2 Notary Acknowledgments	on re Existing Parcel AP	
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	DESCRIPTION OF ATTACHI Title or Type of Document: ONO. 423-201-04 Date of Document: TBD N Signer(s) other than named as CAPACITY(IES) CLAIMED B Signer's Name: Scott A. Lisso Individual Corporate Officer — Partner — Il Limited	IED DOCUMENT: City of Newport Beach Lot Line Adjustment/Lot Merger Application Number of Pages 4_+ 2 Notary Acknowledgments above: None	on re Existing Parcel AP	
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	DESCRIPTION OF ATTACHI Title or Type of Document: Onc. 423-201-04 Date of Document: TBD N Signer(s) other than named as CAPACITY(IES) CLAIMED B Signer's Name: Scott A. Lisso Individual Corporate Officer Partner - D Limited Attorney in Fact Trustee	Ide prevent fraudulent attachment of this certificate to another document. IED DOCUMENT: City of Newport Beach Lot Line Adjustment/Lot Merger Application Number of Pages 4 + 2 Notary Acknowledgments	on re Existing Parcel AP	
	DESCRIPTION OF ATTACHI Title or Type of Document: Onc. 423-201-04 Date of Document: TBD N Signer(s) other than named a CAPACITY(IES) CLAIMED B Signer's Name: Scott A. Lisso Individual Corporate Officer — Partner — Limited Attorney in Fact Trustee Guardian or Consent	Ide prevent fraudulent attachment of this certificate to another document. IED DOCUMENT: City of Newport Beach Lot Line Adjustment/Lot Merger Application Number of Pages 4 + 2 Notary Acknowledgments	on re Existing Parcel AP	

Signer is Representing: the Lissoy Family Trust U/D/O 6/17/96

EXHIBIT "A" CITY OF NEWPORT BEACH LOT LINE ADJUSTMENT NO. LA 2013 -

(LEGAL DESCRIPTION)

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED PARCELS REFERENCE NUMBER
JAD Capitol / Lissoy Trust	423-201-04	PARCEL 1
JAD Capitol / Lissoy Trust	423-201-04	PARCEL 2

PARCEL 1:

THE SOUTHWESTERLY 1/2 OF LOT 650 OF TRACT NO. 907, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, PER MAP FILED IN BOOK 28, PAGES 25 TO 36, INCLUSIVE OF MISCELLANEOUS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TOGETHER WITH THAT PORTION OF LOT 649 LYING NORTHEASTERLY OF A LINE THAT IS PARALLEL WITH AND NORTHEASTERLY 7.50 FEET FROM THE SOUTHWESTERLY LINE OF LOT 649 OF SAID TRACT NO. 907.

CONTAINING 3300 SQUARE FEET, MORE OR LESS

ALL AS SHOWN ON EXHIBIT B, ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

PARCEL 2:

LOT 648 OF TRACT NO. 907, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, PER MAP FILED IN BOOK 28, PAGES 25 TO 36, INCLUSIVE OF MISCELLANEOUS MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TOGETHER WITH THAT PORTION OF LOT 649 OF SAID TRACT LYING SOUTHWESTERLY OF A LINE THAT IS PARALLEL WITH AND NORTHEASTERLY 7.50 FEET FROM THE SOUTHWESTERLY LINE OF SAID LOT 649.

CONTAINING 3300 SQUARE FEET, MORE OR LESS

ALL AS SHOWN ON EXHIBIT B, ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS EXHIBIT HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION.

DATED THIS

DAY OF

_ , 2013.

JERRY L. USELTON, L.S. 5347

STATE OF CALIFORNIA

SHEET 1 DF 1

EXHIBIT "B" CITY OF NEWPORT BEACH LOT LINE ADJUSTMENT NO. LA 2013 -

(MAP)

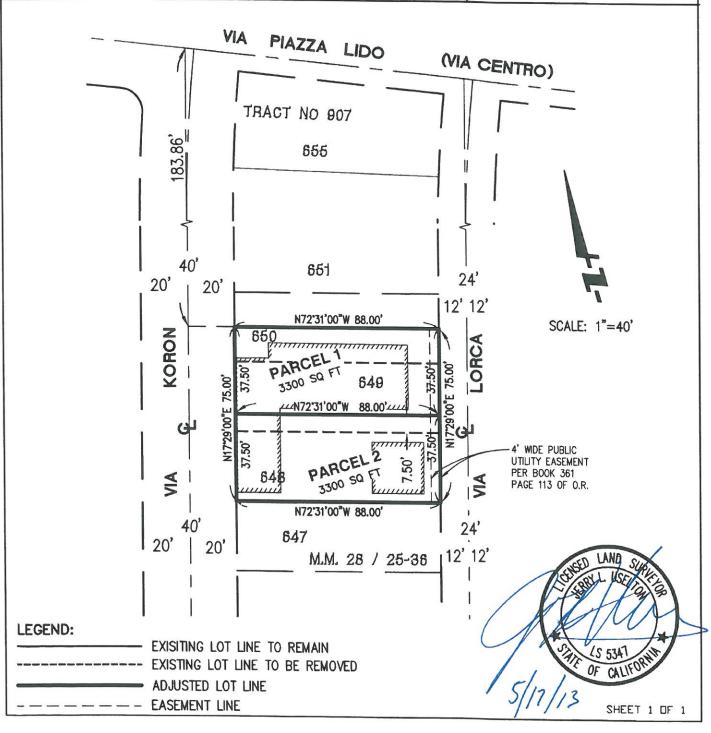
OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED PARCELS REFERENCE NUMBER
JAD Capitol / Lissoy Trust	423-201-04	PARCEL 1
JAD Capitol / Lissoy Trust	423-201-04	PARCEL 2



EXHIBIT "C" CITY OF NEWPORT BEACH LOT LINE ADJUSTMENT NO. LA 2013 -

(SITE PLAN)

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED PARCELS REFERENCE NUMBER
JAD Capitol / Lissoy Trust	423-201-04	PARCEL 1
JAD Capitol / Lissoy Trust	423-201-04	PARCEL 2



August 15, 2013, Zoning Administrator Agenda Comments

Comments submitted by: Jim Mosher (<u>jimmosher@yahoo.com</u>), 2210 Private Road, Newport Beach 92660 (949-548-6229)

Item B: Minutes of Month July 25, 2013

Suggested corrections to passages in italics are shown in strikeout underline format.

- 1. Page 3, paragraph 6: "A member of the general public inquired about the parking location for the Girl Scouts facility." I haven't had a chance to review the audio minutes, but I seem to recall that at some point in the hearing (although perhaps not at this point) the couple in attendance, who I believe identified themselves as residents from across Balboa Boulevard, expressed additional concerns about the general intensification of use, reasoning that what they thought was a doubling in size compared to the existing facility would lead to significantly increased use, trips and activity and thereby create a disturbance to neighbors. I remember they also questioned the safety of the fire ring, but did so after the hearing had ended.
- 2. Page 3, line 3 from end: "They are separate and distinct and it is not appropriate to include a reference to the lease term terms as a condition of approval." (? I think this was meant to be "terms" [conditions], as in the previous sentence, rather than "term" [length], but I could be wrong)
- 3. Page 4, full paragraph 4 "The Zoning Administrator commented on the proposed changes to the draft resolution and instructed staff to correct the typographical error in Finding A2,..."

Note: regarding the revision to Condition 18, I think the change was appropriate, but it occurred to me after the hearing that even if entry to the building and grounds will be by means of an electronic key system, in the event of power failure the system must have some kind of manual alternative using physical keys, and it is probably those physical keys that the Fire Department wants available on site in a device "such as" a Knox Box.

Item 1. Via Koron Lot Line Adjustment (PA2013-119)

- 1. Neither the staff report nor the proposed resolution provide the public with much clarity as to the whether there is a continuing problem with the other development on this block. In particular, the adjustment maps shown on the last two pages (handwritten 21 and 22) appear to show that after this action Lot 650 will be reduced to an unusably narrow fragment, and comparison with the aerial photo on handwritten page 14, suggests that between the present property and Strada Centro there are four numbered residential developments (120, 122, 126 and 130) on two and one-half legal lots (half of 650, 651, and 655).
 - a. Is the applicant the owner of all of legal lot 650? Or just a portion of it?

- b. If additional adjustments to 650, or the other legal lots, are necessary to make them conform to the actual pattern of development, how does this action impact them?
- 2. In the proposed resolution, I do not understand how required Finding C can be made. After this action legal lots 648 and 649 (Parcels 1 and 2) will be consistent with the regulations, but the surviving legal lot 650 will be reduced to half its present width, which certainly less conforming than it is now.
- 3. As Section 1.4 indicates, the properties are in the Coastal Zone, and a reminder that an application for a Coastal Development Permit is needed to determine consistency with the Coastal Act (including whether the adjustment is consistent with the dwelling units per acre requirement cited in Section 1.4 something that is not addressed in the resolution or staff report) should be included as a Condition of Approval.
- 4. Regarding Condition of Approval 3, are there any other benefit/development fees (parks, affordable housing, etc.) required if a new dwelling unit is developed (see, for example, Conditions 15 and 16 to Item 2)?

Item 2. 416 Orchid Parcel Map (PA2013-124)

- 1. In the Discussion portion of the staff report, does the statement regarding the square footage of the previous single family residence (bottom of page 1) refer to the entire residence, or to the garage only?
- 2. With regard to Conditions 15 and 16, wasn't the requirement to pay these fees triggered by the approval to develop a duplex?
 - a. The staff report (page 3), says "these fees are subject to change and the tentative parcel map is subject to conditions of approval that require the applicant to pay the fees in-effect at the time of payment, not those in-effect at the time of approval." But, there is no language about the timing of the payments in the Conditions of Approval as written. Does there need to (or should there?) be?
- 3. Also, is there a separate "Fair Share" fee involved (see Condition 3 of Item 1)?

Item 3. 606 Acacia Parcel Map (PA2013-125)

- 1. This is essentially the same staff report and proposed resolution as for Item 2, so the same comments apply.
- 2. In addition, with regard to Finding K, Comment 3 for Item 1 (above) about the Coastal Act requirements applies, and again neither the staff report nor the resolution indicates what the resulting number of dwelling units per acre will be.
- 3. Condition of Approval 11 is slightly ungrammatical. It was probably meant to say something like: "Prior to recordation of the parcel map, install new sod or low groundcovers of the type approved by the City throughout the portion of Acacia Avenue fronting the development site." (?)